

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
: Group Art Unit: 3732
Paul A. Vaughan :
: Examiner: Ralph A. Lewis
Appln. No.: 10/823,418 :
: Confirmation No.: 4783
Filed: April 12, 2004 :
: Customer No.: 21967
For: VERTEBRAL STABILIZATION :
ASSEMBLY AND METHOD :

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Sir:

The owner, Vaughan Medical Technologies, Inc., of the entire interest in the instant patent application (as evidenced by the assignment recorded on April 12, 2004, at Reel 015212, Frame 0056) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,899,714, the entire interest in the prior patent being owned by said Vaughan Medical Technologies, Inc. (as evidenced by the assignment recorded on March 28, 2002, at Reel 012757, Frame 0782). The owner hereby

agrees that any patent so granted on the instant patent application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant patent application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge the \$130.00 fee under 37 C.F.R. § 1.20(d) covering the cost of filing this Terminal Disclaimer to Deposit Account No. 50-0206. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-0206.

Respectfully submitted,

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